RESOLUTION APPOINTING JEANNE MACDONALD TO THE CITY OF MODESTO HOUSING REHABILITATION LOAN COMMITTEE

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Economic Development Committee met on March 14, 2011, and recommended appointment of Jeanne MacDonald to the Housing Rehabilitation Loan Committee,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Jeanne MacDonald is hereby appointed to the Housing Rehabilitation Loan Committee with a term expiration of January 1, 2015.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Housing Rehabilitation Loan Committee, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-110

RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE 2011-2012 ANNUAL ENGINEER'S REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 ("LMAD No. 1") for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, LMAD No. 1 was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and direct staff to prepare and to file a report accordingly, and

WHEREAS, the annual assessment for LMAD No. 1 has remained the same since 1996, and

WHEREAS, the City has contracted with Willdan Financial Services, Inc. to evaluate and recommend a course of action to address an increase in maintenance expenses as well as replacement of aging infrastructure within LMAD No. 1, and

WHEREAS, said course of action may include, but not be limited to, a Proposition 218 ballot measure and/or consolidation of LMAD No. 1 with the City's Landscape Maintenance Assessment District No. 2,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the annual assessment for LMAD No. 1 has remained the same since 1996, and

BE IT FURTHER RESOLVED that the City has contracted with Willdan Financial Services, Inc. to evaluate and recommend a course of action to address an increase in maintenance expenses as well as replacement of aging infrastructure within LMAD No. 1, and

BE IT FURTHER RESOLVED that said course of action may include, but not be limited to, a Proposition 218 ballot measure and/or consolidation of LMAD No. 1 with the City’s Landscape Maintenance Assessment District No. 2, and

BE IT FURTHER RESOLVED that the Administrator of the Infrastructure Financing Programs is designated by this Council as the Engineer of Work for Landscape Maintenance Assessment District No. 1, and is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-111  

RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE 2011-2012 ANNUAL ENGINEER’S REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2

WHEREAS, Resolution No. 89-460, adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Maintenance Assessment District No. 2 (“LMAD No. 2”) for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 & 2, and

WHEREAS, LMAD No. 2 was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and direct staff to prepare and to file a report accordingly, and

WHEREAS, the City has contracted with Willdan Financial Services, Inc. to evaluate and recommend a course of action to address an increase in maintenance expenses as well as replacement of aging infrastructure within Landscape Maintenance Assessment District No. 1 (“LMAD No. 1”), and

WHEREAS, said course of action may include, but not be limited to, a Proposition 218 ballot measure and/or consolidation of LMAD No. 1 with the City’s LMAD No. 2,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there are no proposed new improvements or any substantial changes in existing improvements in Landscape Maintenance Assessment District No. 2, and

BE IT FURTHER RESOLVED that the City has contracted with Willdan Financial Services Inc. to evaluate and recommend a course of action to address an increase in maintenance expenses as well as replacement of aging infrastructure within Landscape Maintenance Assessment District No. 1, and

BE IT FURTHER RESOLVED that said course of action may include, but not be limited to, a Proposition 218 ballot measure and/or consolidation of Landscape Maintenance Assessment District No.1 with the City’s Landscape Maintenance Assessment District No. 2, and

BE IT FURTHER RESOLVED, that the Administrator of the Infrastructure Financing Programs is designated by this Council as the Engineer of Work for Landscape Maintenance Assessment District No. 2, and is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: SUSAN OOD, City Attorney

(SEAL)

ATTEST: STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: SUSAN J. ALCALA WOOD, City Attorney
RESOLUTION APPROVING A NEW CAPITAL IMPROVEMENT PROGRAM ACCOUNT FOR THE PROJECT TITLED, "7TH STREET BRIDGE AT THE TUOLUMNE RIVER" AND AMENDING THE FISCAL YEAR 2010-2011 CAPITAL IMPROVEMENT PROGRAM BUDGET TO ALLOCATE CAPITAL FACILITY FEE RESERVES IN THE AMOUNT OF $50,000 TO FUND A PORTION OF THE PRELIMINARY ENGINEERING ACTIVITIES FOR THE 7TH STREET BRIDGE PROJECT

WHEREAS, the 7th Street Bridge at the Tuolumne River was built in 1916 and has a sufficiency rating of 2 on a scale of 1 to 100, with 100 being the best, and

WHEREAS, the bridge is listed as Structurally Deficient on the Caltrans Structures Maintenance and Investigation Local Bridge List, and

WHEREAS, the 7th Street Bridge requires reconstruction or replacement to meet standards for seismic events, and

WHEREAS, City staff recommends approving a new CIP Account 1410-140-H033 for the project titled, "7th Street Bridge at the Tuolumne River", and

WHEREAS, the Fiscal Year 2010-2011 Capital Improvement Program budget must be amended as shown in Exhibit A, which is incorporated by reference herein,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby approves a new Capital Improvement Program Account 1410-140-H033 for the project titled, "7th Street Bridge at the Tuolumne River" and approves the amendment of the Fiscal Year 2010-2011 Capital Improvement Program budget as shown in Exhibit A.

BE IT FURTHER RESOLVED that the Finance Director or her designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SIGNATURE) STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

(SIGNATURE) SUSANA ALCALA WOOD, City Attorney
# EXHIBIT A

## BUDGET ADJUSTMENT DETAIL

**FISCAL YEAR 2010-2011**

**FOR 7th STREET BRIDGE PROJECT**

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MODESTO CITY COUNCIL
RESOLUTION NO. 2011-113

RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR THE PRELIMINARY ENGINEERING PHASE OF THE 7TH STREET BRIDGE PROJECT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the 7th Street Bridge at the Tuolumne River was built in 1916 and has a sufficiency rating of 2 on a scale of 1 to 100, with 100 being the best, and

WHEREAS, the bridge is listed as Structurally Deficient on the Caltrans Structures Maintenance and Investigation Local Bridge List, and

WHEREAS, the 7th Street Bridge requires reconstruction or replacement to meet standards for seismic events, and

WHEREAS, the estimated cost for the preliminary engineering phase of the project is $3.2 Million and 88.53% of the project is expected to be funded with state and federal funds leaving a 11.47% local match requirement to be split equally between the City of Modesto and Stanislaus County, and

WHEREAS, Stanislaus County recognizes that this bridge is an important link between the County and downtown Modesto and has agreed to be the lead agency for the 7th Street Bridge project, and

WHEREAS, Stanislaus County requests that the City of Modesto approves a Memorandum of Agreement for preliminary engineering costs associated with the 7th Street Bridge Project at the Tuolumne River,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Agreement between the City of
Modesto and Stanislaus County for preliminary engineering costs associated with the 7th Street Bridge Project at the Tuolumne River.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Memorandum of Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION DECLARING AS SURPLUS FROM MARCH 1, 2011 THROUGH FEBRUARY 28, 2012 THE FOLLOWING ITEMS: LOST, STOLEN, UNCLAIMED AND/OR SEIZED PROPERTY FROM THE POLICE DEPARTMENT, EXCESS PROPERTY ACCUMULATED BY THE CITY AND SURPLUS CITY VEHICLES AND EQUIPMENT; AND AUTHORIZING THE PURCHASING DIVISION TO SELL THE SAME BY SEALED BID, CONSIGNMENT, PUBLIC AUCTION, ONLINE AUCTION, ONLINE, OR AS SCRAP, OR DONATE TO ELIGIBLE NON-PROFIT ORGANIZATIONS

WHEREAS, Section 801 of the City Charter authorizes the City Manager to sell obsolete, unclaimed, or surplus personal property of the City with the approval of the City Council, and

WHEREAS, the City’s surplus items consist of: (1) lost, stolen, unclaimed and/or seized property from the Police Department, (2) excess property accumulated by the City, and (3) surplus City vehicles and equipment, and

WHEREAS, currently the City’s auctioneering services are provided by the Auction House, and

WHEREAS, the Purchasing Division will also sell selected surplus property online through PublicSurplus.com, an online auction company, or directly online, and

WHEREAS, the items sold online would consist of surplus items that could possibly bring a higher price over use of a conventional auction, and

WHEREAS, revenues from the sale of surplus Fleet vehicles/equipment are deposited into the Fleet Replacement Fund 7210, and

WHEREAS, all revenues received from the sale of non-rolling stock are either deposited in the originating fund or in the General Fund,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

04/05/2011/Finance/MAverell/Item 11

1

2011-114
SECTION 1. The City Council, in accordance with Section 801 of the City Charter and Section 2-7.06 of the Modesto Municipal Code, hereby declares as surplus from March 1, 2011, through February 28, 2012, the property items set forth above.

SECTION 2. The City Manager, or the Purchasing Manager, acting as the City Manager’s designated representative, are hereby authorized and directed to sell same by sealed bid, consignment, public auction, online auction, online or as scrap or to donate to an eligible non-profit (501c3) organization.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SIGNATURE)

APPROVED AS TO FORM:

By: 

(SIGNATURE) SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH PROPERTYROOM.COM FOR A ONE-YEAR TERM FOR ONLINE AUCTIONING OF LOST, STOLEN, UNCLAIMED AND/OR SEIZED PROPERTY FROM THE MODESTO POLICE DEPARTMENT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Section 801 of the City Charter authorizes the City Manager to sell obsolete, unclaimed, or surplus personal property of the City with the approval of the City Council, and

WHEREAS, the City’s surplus items consist of: (1) lost, stolen, unclaimed and/or seized property from the Police Department, (2) excess property accumulated by the City, and (3) surplus City vehicles and equipment, and

WHEREAS, currently the City’s auctioneering services are provided by the Auction House, and

WHEREAS, the Purchasing Division also sells selected surplus property online through PublicSurplus.com, an online auction company, or directly online, and

WHEREAS, the Police Department would like to renew an agreement for selling selected items online with PropertyRoom.com for a one-year term, and

WHEREAS, all revenues received from the sale of lost, stolen, unclaimed and/or seized property from the Police Department will be deposited in the General Fund,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with PropertyRoom.com for a one-year term for online auctioning of lost, stolen, unclaimed and/or seized property from the Modesto Police Department.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSAN ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE
OF ONE DUMP TRUCK FOR THE DEPARTMENT OF PUBLIC WORKS,
WATER DIVISION THROUGH THE FLEET SERVICES DIVISION, TO DELTA
TRUCK CENTER, FRENCH CAMP, CA, AND AUTHORIZING THE
PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE
ORDER FOR A TOTAL ESTIMATED COST OF $116,661

WHEREAS, The City Manager authorized the Purchasing Manager to issue
formal Request for Bids (RFB) for new vehicles and heavy equipment, throughout
FY 10/11 through various competitive processes, with the Purchasing Division coming
back to Council for award authorization. The dump truck was included in the FY 10/11
new vehicles and heavy equipment list authorized by the City Manager and is a
replacement vehicle, and

WHEREAS, the truck has been subjected to a thorough evaluation and has met or
exceeded the replacement criteria before being placed on the replacement list. This dump
truck falls under the City’s compliance program, approved by the California Air
Resources Board, requiring a progressive program to remove older diesel trucks from
service, and

WHEREAS, the Purchasing Division issued RFB No. 1011-17, for the purchase
of one dump truck to twenty-three (23) prospective bidders posted the bid on the City’s
website and formally advertised as required by law. Four (4) of the twenty-three (23)
prospective bidders were located within Stanislaus County, one of which is a local
vendor, and

WHEREAS, RFB’s were formally opened in the City Clerk’s office. Of the
twenty-three (23) prospective bidders, four (4) companies chose to respond; one
prospective bidder is located in Stanislaus County. The local vendor chose not to submit a bid at this time. All four (4) companies provided responsive and responsible bids, and 

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of one dump truck to Delta Truck Center, French Camp, CA, for the total estimated cost of $116,661, and 

WHEREAS, sufficient funds are budgeted in Fiscal Year 2010-11 in the following appropriation unit: 7210-480-5814-5531, and 

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid and contract for the purchase of a dump truck to Delta Truck Center, French Camp, CA, for the Public Works Department, Fleet Services Division, conforms to the Modesto Municipal Code, 

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of one dump truck for the Department of Public Works, Water Division through the Fleet Services Division, to Delta Truck Center, French Camp, CA. 

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue purchase orders for a total estimated cost of $116,661.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANAalcala wood, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE
OF ONE TRUCK TRACTOR FOR THE DEPARTMENT OF PUBLIC WORKS,
STREETS DIVISION THROUGH THE FLEET SERVICES DIVISION, TO
VALLEY PETERBILT, TURLOCK, CA, AND AUTHORIZING THE
PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE
ORDER FOR A TOTAL ESTIMATED COST OF $113,000

WHEREAS, The City Manager authorized the Purchasing Manager to issue
formal Request for Bids (RFB) for new vehicles and heavy equipment, throughout
FY 10/11 through various competitive processes, with the Purchasing Division coming
back to Council for award authorization. The truck tractor was included in the FY 10/11
new vehicles and heavy equipment list authorized by the City Manager and is a
replacement vehicle, and

WHEREAS, the truck has been subjected to a thorough evaluation and has met or
exceeded the replacement criteria before being placed on the replacement list. This truck
tractor falls under the City’s compliance program, approved by the California Air
Resources Board, requiring a progressive program to remove older diesel trucks from
service, and

WHEREAS, the Purchasing Division issued RFB No. 1011-16, for the purchase
of one truck tractor to sixteen (16) prospective bidders posted the bid on the City’s
website and formally advertised as required by law. Four (4) of the sixteen (16)
prospective bidders were located within Stanislaus County, none of which is a local
vendor, and

WHEREAS, RFB’s were formally opened in the City Clerk’s office. Of the
sixteen (16) prospective bidders, four (4) companies chose to respond; one prospective
bidder is located in Stanislaus County. All four (4) companies provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of one truck tractor to Valley Peterbilt, Turlock, CA, for the total estimated cost of $113,000, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2010-11 in the following appropriation unit: 7210-480-5814-5527, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of one truck tractor to Valley Peterbilt, Turlock, CA, for the Department of Public Works, Fleet Services Division, conforms to the Modesto Municipal Code,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of one truck tractor for the Department of Public Works, Streets Division through the Fleet Services Division, to Valley Peterbilt, Turlock, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue purchase orders for a total estimated cost of $113,000.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING AN AGREEMENT WITH URS CORPORATION DBA URS CORPORATION AMERICAS (URS) FOR DESIGN SERVICES FOR THE INSTALL NEW WELL IN DEL RIO PROJECT IN AN AMOUNT NOT TO EXCEED $78,047 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $7,805 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $85,852, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the new well in Del Rio will be one of the two new wells proposed in the Del Rio water service area, and

WHEREAS, these wells were identified in the Water System Engineer’s Report, as well as the supplemental Technical Memorandum for the Del Rio system, dated May 22, 2008, and

WHEREAS, this well installation is necessary to correct existing deficiencies within the system, and is required to be operational by July 2013, and

WHEREAS, this requirement is based on the July 15, 2005 Settlement Agreement between the City and the Del Rio Community Association, and

WHEREAS, the scope of work for this agreement will generally include design of a new test well and production well, as well as monitoring the construction of the new well, and

WHEREAS, as part of this work, URS will provide an analysis of soil and water samples taken during the well drilling in order to recommend the appropriate soil depths to draw water from, and

WHEREAS, in addition, URS will provide an analysis of draw-down effects, if any, to nearby adjacent private wells, and
WHEREAS, this draw-down analysis is to address concerns that have been expressed by some of the neighbors that the new well may negatively affect how their existing private wells operate, and

WHEREAS, on April 7, 2009, by Resolution No. 2009-149, the City Council approved a short-list of hydrogeologists to be used on a rotating, as-needed basis, consisting of the following firms: Brown & Caldwell, URS, and West Yost Associates, Inc., and

WHEREAS, on February 2, 2010, by Resolution No. 2010-052, Council approved an agreement with URS for Design Services for Install New Well in Tivoli project, and

WHEREAS, URS was selected for the new well in Tivoli agreement in compliance with Administrative Directive 3.1: Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, and

WHEREAS, URS has already completed some work for the new Tivoli Development well design, but that project has since been deferred until development begins to move forward, and

WHEREAS, accordingly, the agreement with URS for the Tivoli well design has been terminated, and

WHEREAS, in addition, there are requirements from the Del Rio Settlement Agreement to provide a new domestic production well by 2013, and

WHEREAS, therefore, the City has determined the Del Rio well to be a higher priority than other new well installation projects because of the deadline established in the Settlement Agreement, and
WHEREAS, since both the Tivoli and Del Rio well designs are very similar, work that URS has performed for Tivoli can be easily applied to the Del Rio project, and

WHEREAS, URS has the resources available for the Del Rio well due to the termination of the Tivoli project; whereas the other two short-listed firms are already working on active well projects for the City, and

WHEREAS, finally, URS is considered a qualified firm with the required experience and expertise in hydrogeology, and

WHEREAS, for these reasons, City staff recommends approving a new agreement with URS for the Del Rio well design, and

WHEREAS, City staff recommends approving an Agreement with URS as the City does not have the staffing level or subject matter expertise to provide design services for the Install New Well in Del Rio project, and current workload levels do not provide for timely in-house solutions/responses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with URS Corporation dba URS Corporation Americas for design services for the Install New Well in Del Rio project in an amount not to exceed $78,047 for the identified scope of services, plus $7,805 for additional services (if needed), for a maximum total amount of $85,852.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-119

RESOLUTION ACCEPTING THE WORK BY CLYDE WHEELER, INC., FOR THE “E. COOLIDGE AREA WATERLINE REPLACEMENT” PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $735,989.28

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the E. Coolidge Area Waterline Replacement project has been completed by Clyde Wheeler Inc., in accordance with the contract agreement dated April 13, 2010,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the E. Coolidge Area Waterline Replacement project is hereby accepted as complete from said contractor Clyde Wheeler, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, release securities upon expiration of statutory periods, and that payment of amounts totaling $735,989.28 is authorized as provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-120

A RESOLUTION DENYING THE APPEAL OF STANISLAUS TOWING SERVICES, INC., REGARDING THE TERMINATION OF THEIR TOWING SERVICE AGREEMENT BY THE MODESTO POLICE DEPARTMENT

WHEREAS, on April 13, 2009, City of Modesto entered into a Non-Exclusive, Non-Consensual Towing Service Franchise Towing Service Agreement with Stanislaus Towing Services, Inc., and

WHEREAS, On February 22, 2011, the Modesto Police Department notified Stanislaus Towing Services, Inc. owner, Ronald Hannink that the agreement was immediately terminated pursuant to Section 20 (B):

20. COMPLIANCE WITH THE LAW

B. In the event that FRANCHISEE or any agent or employee of FRANCHISEE is cited, arrested and/or charged with any misdemeanor or felony driving offense, any crime involving stolen or embezzled vehicles, fraud related to the towing business, stolen or embezzled property, crimes of violence, driving while under the influence of alcohol and/or drugs, possession and/or sales of drugs or crimes of moral turpitude, FRANCHISEE may be immediately suspended or terminated at the discretion of the Chief of Police and/or FRANCHISEE’s employee or agents Tow Driver Permit may be immediately suspended or revoked, notwithstanding any provision of this Agreement to the contrary. FRANCHISEE shall notify the Tow Administrator within seventy-two 72 hours of any citation or arrest of the FRANCHISEE or any known citation or arrest of any agent or employee of the FRANCHISEE,

and

WHEREAS, The Stanislaus County District office filed misdemeanor charges against Ronald and Stephanie Hannink for the following California Vehicle Violations:

22658 (L) (1) (A) - Removing a vehicle from private property without first obtaining written authorization from doing so from the property owner, or lessee, who must have been present at the time of removal and verified the violation.
WHEREAS, based on these charges, Stanislaus Towing Services Agreement with the City of Modesto was terminated, and

WHEREAS, on February 22, 2011, the Modesto Police Department notified Stanislaus Towing Services, Inc. owner, Ronald Hannink, that the agreement was immediately terminated, and

WHEREAS, on March 7, 2011, Brunn & Flynn, on behalf of Stanislaus Towing Services, Inc. submitted a Notice of Appeal, and

WHEREAS, said appeal was set for a duly noticed public hearing before the City Council at its regular meeting place in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at 5:30 p.m. on April 5, 2011, at which date and time said public hearing was held and evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing the Council found and determined that said appeal should be denied, and the decision should be affirmed,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Stanislaus Towing Services, Inc., to a decision by the Modesto Police Department to terminate their Towing Service Agreement with the City of Modesto, is hereby affirmed.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Burnside, Hawn, Lopez, Muratore, Mayor Ridenour

**NOES:** Councilmembers: Geer, Marsh

**ABSENT:** Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney